IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14000 of 2004

Between:

M.Devasahayam, S/o James,
R/o Daggubadu Village, Karamchedu Mandal, Prakasam District

... PETITIONER

AND

1 The District Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Ongole, Prakasam District
3 The Mandal Revenue Officer, Karamchedu, Prakasam District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in not considering the petitioner for re-issue of authorisation which was cancelled on the basis of the criminal case in spite of acquittal in appeal is highly illegal, arbitrary and violative of Art.14 of the Constitution of India and also contrary to the provisions of A.P.Schedule Commodities (Regulation of Distribution by Card System) order 1973 and violative of principles of natural justice

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondent 1 to 3: GP FOR CIVIL SUPPLIES

The Court made the following order:

ORDER:

The petitioner was appointed as a Fair Price Shop Dealer for Harijanawada, Daggubadu village in the year 1980. His authorisation was cancelled vide proceedings of the second respondent dated 16.11.2000 on the ground that the petitioner was convicted in a criminal case. The petitioner states that subsequently he was acquitted in the said criminal case by judgment dated 26.08.2003 in Criminal Appeal No.152 of 1999 on the file of the Court of II Additional District and Sessions Judge, Ongole. He states that immediately thereafter on 22.01.2004 he made a representation before the first respondent seeking restoration of his authorisation. The grievance of the petitioner is that the said representation has not been considered so far in spite of repeated requests made by him. Hence, this writ petition seeking a declaration that the action of the respondents in not considering the request of the petitioner for re-issue of authorisation on the basis of his acquittal in the Criminal Appeal is arbitrary and illegal.

I have heard the learned counsel for the petitioner and learned Government Pleader appearing for the respondents.

The learned Counsel for the petitioner contends that as per the provisions of the Andhra Pradesh State Public Distribution System (Control) Order 2001, (for short 'the order 2001') the respondents are bound to consider the case of the petitioner for re-issue of authorisation as conviction imposed against him was set aside in the Criminal Appeal No.152 of 1999.

Having regard to the fact that the representation made by the petitioner is still pending before the first respondent, without expressing any opinion with regard to the claim of the petitioner for restoration of his authorisation, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the representation of the petitioner dated 22.01.2004 in the light of the provisions of the Order 2001 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order.

Accordingly, the writ petition is disposed of. No costs.

_____

(G. ROHINI, J)

August 16, 2004

Dsk/Gbs

Note: Furnish Copy in two days

(B/o)

Dsk/Gbs

To

1 The District Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Ongole, Prakasam District
3 The Mandal Revenue Officer, Karamchedu, Prakasam District

4 Two CCs to GP For Civil Supplies, High Court Buildings, Hyderbad.

5 Two CD Copies.